

August 25, 2009

Preliminary Plat: Latera Phases 2-A & 2-B (PP06-0017)
Owner(s): Creekside Land Company, Ltd.

DESCRIPTION:

77 single family lots and five open space lots on 48.3± acres on the east side of Preston Road, 100± feet north of Vita Dolce Drive. Zoned Planned Development-2-Business Park/Neighborhood Commercial/Residential Village. Neighborhood #9. SM

HISTORY:

The Planning & Zoning Commission heard this item at the March 10, 2009 meeting. Staff recommended denial of the project as it did not comply with the requirements for residential development adjacent to a Major Creek, the Hike & Bike Trail requirements and other outstanding issues. The applicant waived his right to action within 30 days, and the Planning & Zoning Commission took no action on the item. The applicant and staff have met and addressed the items as described within the staff report.

REMARKS:

Access: Access is provided from Preston Road and Eldorado Parkway through Latera, Phase 1. The entrances at Preston Road and Eldorado Parkway are gated. Access to Blitz Drive is proposed to be gated. Being a minor roadway, a turn-around is not required. The one lot that has access to Blitz Drive is vacant and will have to develop with the front facing onto Stancil Lane rather than Blitz Drive so that it can have fire access, but a driveway onto Blitz Drive is permissible.

Street stubs: No street stubs are provided as the adjacent property has been developed.

Street Length: The roundabout at Vita Dolce and Toscana Way is an acceptable "offset" which will allow the street to extend up to another 2,000 feet beyond the roundabout (See Subdivision Ordinance 7.02.16).

The subdivision requires a variance to allow an over length cul-de-sac.

Over Length Cul-de-sac

The Subdivision Ordinance (Section 7.02.8.b) states that cul-de-sacs shall not exceed 600 feet in length. Palazzo Drive-Varese Court extends 975± feet northwest of Vita Dolce Drive.

No variance or waiver shall be granted unless the Planning & Zoning Commission finds:

a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his or her land.

The cul-de-sac includes a bridge that crosses 395± feet of floodplain. When the length of the bridge is added to the length of the cul-de-sac, the cul-de-sac exceeds the 600 foot maximum length. No lots front on the street for the width of the floodplain. Allowing an over length cul-de-sac allows the applicant the ability to develop the property north of the floodplain.

b. That the variance or waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance or waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area.

There are sixteen lots on the over length cul-de-sac, of which nine lots are located north of the floodplain. The Fire Department has reviewed this cul-de-sac and determined that it is acceptable subject to the requirement that the homes on Block F, Lots 1 through 9 are fire sprinklered, that there be a looped water line due to the length of the street, and upon further review additional fire hydrants may be warranted. Therefore, measures are being taken such that the proposed street will not be detrimental to the public health, safety or welfare. Adjacent properties are developed and will not be affected by this proposed street.

c. That the granting of the variance or waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance.

The layout of the adjacent properties was approved in 2002. At that time, a variance was granted for the over length cul-de-sac in the Latera subdivision. The adjacent properties are now developed and granting this variance will not affect the development of surrounding lands.

Staff recommends approval of the variance request.

Screening:

The property adjacent to Preston Road is designated as an open space lot and consists of floodplain. Screening requirements allow for the construction of a masonry wall or a solid landscape screen within a 25-foot landscape edge between the street and lots backing to the street. There is an existing screening wall with landscaping that was built with Latera Phase 1 that extends into Phase 2-A 200± feet. The remaining 210± feet of property adjacent to Preston Road has been landscaped with five deciduous trees and two eastern red cedar trees.

The applicant requests a variance from screening requirements for Phase 2A. No variance or waiver shall be granted unless the Planning & Zoning Commission finds:

a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his or her land.

This development is unique in that there are no residential lots or alleys backing to Preston Road; rather, the street fronts an open space lot which provides views of the creek. Staff does not recommend extending the screening wall further north than it exists for the following reasons:

1. The topography would result in the placement of the screening wall below the grade of the lots and Preston Road,

2. The closest point between the right-of-way for Preston Road and the rear of lots is 200± feet. A screening wall would not serve any value because of this distance and that the road and the lots are at different elevations,
3. We do not encourage screening walls that would obstruct the views of natural areas, and
4. Extending a screening wall or vegetation within the floodplain will obstruct the floodwaters.

b. That the variance or waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance or waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area.

The granting of this variance will not be detrimental to public safety and would prevent an obstruction to the floodwaters.

c. That the granting of the variance or waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance.

Granting a variance to the screening requirements will not affect the development of adjacent lands. Property to the north is zoned for non-residential use and is within a Drainage and Floodway Easement & Pedestrian and Sidewalk Easement; therefore, the screening would not continue to the north further than this Phase.

Staff recommends approval of the variance request.

Hike & Bike Trail:

A Hike & Bike Trail is required through the open space to connect the trails to the north and south of this subdivision. The applicant met with staff, staked the trail, and has shown the Hike & Bike Trail Easement on the Preliminary Plat. Pedestrian access is provided from Lazio Lane, Genova Court, and Palazzo Drive. The trail will connect with the existing trail to the north in Creekside at Preston.

Major Creek:

The property is located along Panther Creek and is subject to the Major Creek Ordinance, Section 7.08. The Ordinance does make an exception for the orientation of the lots if the property is within a Planned Development that has a concept plat. This Planned Development does not have a concept plan; therefore, the Major Creek Ordinance applies.

Section 7.08.c.3.a & b

Residential Development Criteria Along Major Creeks

- a. A minimum of sixty percent (60%) of the linear frontage of the Base Flood Plain and/or Access Dedication in each final plat shall have adjacent to it one (1) or more of the following types of streets (as generally depicted in Exhibit "B", attached hereto and incorporated herein for all purposes.)
 - (i) Parallel streets
 - (ii) Loop streets
 - (iii) Cul-de-sacs (more than two (2) consecutive cul-de-sacs without separation by a looped street or parallel street is prohibited). Refer to Section 7.09(13)(6) regarding access width to Base Flood Plain and/or Access Dedication.
 - (iv) Any lot that sides to the Base Flood Plain and/or Access Dedication shall have a side yard setback of fifteen (15) feet.
- b. A maximum of forty percent (40%) of the linear frontage of the Base Flood Plain and/or Access Dedication in each final plat may have lots backing to a Major Creek. When a lot backs to a Major Creek the following is required:
 - (i) Any lot that backs to the Base Flood Plain and/or Access Dedication shall have a rear yard setback of twenty-five (25) feet;
 - (ii) Alternating cul-de-sacs and looped streets shall be provided at intervals not to exceed twelve-hundred (1,200) feet for access to the Base Flood Plain and/or Access Dedication; and
 - (iii) The Base Flood Plain and/or Access Dedication shall be available to public access from the end of a cul-de-sac in the manner required in Section 7.09(13)(6).

Phase 2A of the proposed subdivision complies with Section 7.08.c.3.b as it has approximately 66% linear frontage of the

floodplain on streets and side property lines and approximately 33% linear frontage of the floodplain on rear property lines.

The subdivision layout does not comply with the requirement that no more than two (2) consecutive cul-de-sacs without separation by a looped street or parallel street are allowed. The applicant requests a variance from this requirement so that the subdivision can be approved as shown with three cul-de-sacs.

Previously, staff had recommended connecting the cul-de-sac streets Lazio Lane and Genova Court to satisfy the requirement. Staff worked with the applicant to incorporate requirements for cul-de-sacs on Major Creeks from the new Subdivision Ordinance. The plat has been modified as follows:

1. A minimum 50 percent of the cul-de-sac bulb is open to the Major Creek,
2. A minimum 12 foot wide trail connection is provided to the Hike & Bike Trail on Lazio Lane and Genova Court, and
3. An entry feature with landscaping will be provided at the trail connection on Lazio Lane and Genova Court.

A proposed drawing of the entry feature has been submitted for staff review. Approval of the renderings for the entry feature(s) and landscaping is required prior to construction.

No variance or waiver shall be granted unless the Planning & Zoning Commission finds:

a. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his or her land.

While there are no special circumstances which would deprive the applicant the use of the land and the development of the subdivision by providing the looped street, the applicant has modified the lot layout to provide a greater entry area to the open space and trail connections to the Hike & Bike Trail.

b. That the variance or waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance or waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area.

The applicant has provided amenities at the end of the cul-de-sacs in accordance with the new Subdivision Ordinance. The minimum 12 foot trails extending to the Hike & Bike Trail will provide access for emergency and maintenance vehicles to the Hike & Bike Trail. Granting a variance will not be detrimental to the health, safety or welfare of the area.

c. That the granting of the variance or waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance.

The adjacent properties are developed; therefore, the granting of this variance will not affect the subdivision of other lands.

Staff recommends approval of the variance request.

All other provisions of the Major Creek Ordinance, including a twenty foot no-build and preservation easement, ornamental fencing adjacent to side and rear lot lines of those that side and back to the creek, and a maintenance and access dedication shall be provided.

Additional information: The proposed development complies with Planned Development-2 development standards.

RECOMMENDATION:

Recommended for approval subject to the following conditions:

1. Planning & Zoning Commission approval of a variance of cul-de-sac length to allow Palazzo Drive-Varese Court, a 975± foot cul-de-sac.
2. Planning & Zoning Commission approval of a variance from screening requirements for Phase 2A to allow a living screen adjacent to Preston Road.

3. Planning & Zoning Commission approval of a variance from the Major Creek Ordinance to allow more than two consecutive cul-de-sacs.
4. Staff approval of the renderings of the trail entry features and landscaping at Lazio Lane and Genova Court prior to construction.
5. The reclamation of floodplain and associated minimum finished floor elevations are subject to approval by Engineering Services.